

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ARTHUR J. BEHN,

Plaintiff,

v.

3:16-CV-0213
(GTS/DEP)

P.O. SHARON BROWN; and
S.P.O. ARON PALM,

Defendants.

APPEARANCES:

ARTHUR J. BEHN

Plaintiff, *Pro Se*

Broome County Correctional Facility

P.O. Box 2047

Binghamton, New York 13902

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Arthur J. Behn (“Plaintiff”) against New York State Parole Officers Sharon Brown and Aron Palm (“Defendants”), is United States Magistrate Judge David E. Peebles’ Report-Recommendation recommending that Plaintiff’s complaint be dismissed in its entirety but that Plaintiff be permitted leave to file an Amended Complaint. (Dkt. No. 9.) Plaintiff has not filed an objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant papers herein, including Magistrate Judge Peebles’ thorough Report-Recommendation, the Court can find no clear-error in the Report-

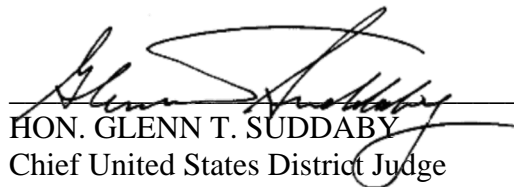
Recommendation.¹ Magistrate Judge Peebles employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Peebles' Report-Recommendation (Dkt. No. 9) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) shall be **DISMISSED** in its entirety, without further notice of the Court, unless, within **THIRTY (30) DAYS** of the date of this Decision and Order, Plaintiff files an Amended Complaint that corrects the pleading defects identified in the Report-Recommendation. In addition, Plaintiff is reminded of his duty to immediately notify the Court of any change in his address, in accordance with Local Rule 10.1(c)(2) of the Local Rules of Practice for this Court.

Dated: June 24, 2016
Syracuse, New York


HON. GLENN T. SUDDABY
Chief United States District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).